

No. 83-2098

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NOV 5 1984

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IN THE
Supreme Court of the United States

October Term, 1984

BENJAMIN H. SASWAY,
Petitioner,

v.

UNITED STATES OF AMERICA,
Respondent.

On Petition for a Writ of Certiorari to the
United States Court of Appeals
for the Ninth Circuit

PETITIONER'S SUPPLEMENTAL BRIEF

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PETITIONER'S SUPPLEMENTAL BRIEF

Pursuant to this Court's Rule 22.6, petitioner Benjamin H. Sasway invites the Court's attention to a new case not available at the time of petitioner's last filing, dealing with the exclusion of defense evidence (Question 2).

The Minnesota Supreme Court has unanimously ruled that a criminal defendant has a federal due process right to testify about his intent and motive in explaining his conduct to the jury. *State of Minnesota v. Brechon*, 352 N.W. 3d 745, 750-751 (Minn. 1984). This decision by a state court of last resort is in direct conflict with the decision of the Ninth Circuit Court of Appeals in this case. (Rule 17.1(b).)

CONCLUSION

For the above reasons, as well as for those heretofore stated, certiorari should be granted.

DATED: November 2, 1984

Respectfully submitted,

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